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**Acton Community Housing Corporation**

**Nancy Tavernier, Chairman**

**TOWN OF ACTON**

Acton Town Hall

472 Main Street

Acton, Massachusetts, 01720

Telephone (978) 263-9611

[achc@acton-ma.gov](mailto:achc@acton-ma.gov)

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TO: Board of Selectmen  
FROM: Nancy Tavernier, Chair  
SUBJECT: Post Office Crossing, LIP 40B  
Date: August 29, 2012

The Acton Community Housing Corporation (ACHC) has voted to recommend a twelve unit 40B proposal, Post Office Crossing, located at 6 Post Office Square. This project is a DHCD Local Initiative Program (LIP) project also called a Friendly 40B. We have been meeting with the developers from Charing Cross Realty Trust of Salem, MA since April. There have been three meetings with ACHC, two meetings with the department heads, and an information session for abutters, town board members, and the general public. There have been no major concerns raised at any of these meetings.

The process they have followed is recommended by the ACHC in its Guidelines for Affordable Housing Development (see attached). They are now at Step 7, the Presentation to the Board of Selectmen. This project is also consistent with the Selectmen and Planning Board's Comprehensive Permit Policy which states a preference for small scale in-fill development of twelve units or less.

(<http://maacton.civicplus.com/DocumentCenter/Home/View/114document>).

The Post Office Crossing site is a vacant 3.6 acre parcel located across from the Post Office and to the left of the Wellesley Therapeutic Services building on Post Office Square. There will be twelve single family homes, including three affordable units, each with roughly 2400 square feet of living space. Each will have three bedrooms, garages, and a fee simple form of ownership. There are no direct residential abutters. While the land is zoned for light industrial it is the Comprehensive Permit process that allows it to be used for housing. As part of the Comprehensive Permit requirements, 25% of the units must be sold as affordable deed restricted units to first time homebuyers. These working families must meet income and asset guidelines to qualify for purchase, with incomes up to 80% of the Area Median Income (AMI). The maximum income for a household of four is \$65,000.

Whenever the ACHC reviews 40B developments, we look for the positive features above and beyond the provision of affordable units. The first feature for this project is the willingness by the developer to do a LIP project which creates a collaborative process with the town in exchange for a smoother approval process. They have already accepted suggestions on design

and site layout that came from the ACHC and the attendees at the information session. It is located in an area that has existing infrastructure such as a traffic light and sidewalks that can be used to access services in Acton Center and Great Road. The most important feature is the developer's willingness to commit to doing a full LEED certified project, this will be a first for the town of Acton. They have signaled their intent to hire Barnraisers, one of the region's leading consultants in LEED design and certification. It is our expectation that all twelve homes, including the affordable units, will be LEED certified.

A LIP project requires both the Chair of the Board of Selectmen and the Chair of ACHC to sign the application before it can be sent to the Department of Housing and Community Development (DHCD) for a site eligibility letter. This is the first step in the approval process. ACHC has voted to sign the LIP application and we urge the Board of Selectmen to do likewise.

Once the application is received by DHCD, they will make a site visit and will carefully review the application and pro forma financial statements before issuing a site eligibility letter. This letter will allow the developer to apply to the Zoning Board of Appeals for a Comprehensive Permit expected to occur by the end of 2012.

Thank you for your continuing support of affordable housing and ACHC.

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## **Guidelines for Affordable Housing Development in Acton - The Review Process March 2012**

### **Introduction**

The Town of Acton has a Comprehensive Permit Policy that was adopted jointly by the Board of Selectmen and Planning Board in 2006 to communicate the Town's preferences for housing developed under Chapter 40B. This policy can be accessed at the Planning Department section of the Town Web: <http://ma-acton.civicplus.com/DocumentView.aspx?DID=114>.

The main purpose of this policy is to provide guidance to developers, Town staff and the Board of Appeals in locating, designing, evaluating and permitting Chapter 40B developments in order to achieve five local objectives:

- Provide permanently affordable housing for low-, moderate- and middle-income people;
- Respect our natural resources;
- Contribute to the vitality of our villages and business districts;
- Minimize adverse fiscal and infrastructure impacts; and
- Reflect a collaborative approach by the developer and Town.

Toward these ends, the Town encourages applications for small-scale comprehensive permit developments that serve low- and moderate-income households and, whenever possible, middle-income households. The policy encourages developments that make use of existing structures or conform to the established architectural traditions in our community; and developments located in or adjacent to the Town's existing villages, or Kelley's Corner. Small, attractive affordable housing developments in these areas will help expand the town's inventory of low- and moderate-income housing in a manner that acknowledges the Town's land use policies, development traditions and fiscal capacity.

To accomplish the Town's affordable housing objectives in the most efficient and collaborative manner, the Acton Community Housing Corporation (ACHC) recommends developers use the MA Department of Housing and Community Development (DHCD)'s Local Initiative Program for the required subsidizing agency. The Local Initiative Program (LIP) is a state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities for low- and moderate-income households. This program requires the approval and signature of both the Board of Selectmen and the ACHC prior to the filing of the

application to DHCD. Other subsidizing agency options are: MassHousing, MassDevelopment, or the U.S. Department of Housing and Urban Development.

### **Process**

The Town of Acton looks forward to working with developers very early in the planning process, even before a preliminary site approval request has been submitted to the State. The Acton Community Housing Corporation (ACHC) has been designated by the Board of Selectmen to act as the "first stop" for interested developers of affordable housing. The ACHC will conduct an initial review of the proposed development concept and work closely with Town boards and committees to identify health, safety and other issues.

***The ACHC will primarily concentrate its review upon issues of affordability, rather than assume responsibility for analyzing such issues as infrastructure, site planning and environmental considerations, which are best addressed by existing boards and committees charged with those responsibilities.***

The purpose of these guidelines is to spell out the review criteria and process for affordable housing development so that health, safety, and affordable housing issues may be worked out prior to the start of the Board of Appeals hearings. Both the ACHC and the Board of Selectmen will then be able to make an informed recommendation relating to the application to the state subsidizing agency.

Support of an application does not constitute Town approval of the plan. The Board of Appeals is the decision-making body for Comprehensive Permits (Chapter 774 of the Acts of 1969 codified in Massachusetts General Laws as Chapter 40B). The steps may vary somewhat on a project-by-project basis, depending on the specific issues of the proposed plans.

### **Step 1. Initial Contact**

Developer receives a copy of the Guidelines for Affordable Housing from the ACHC or the Planning Department at Town Hall. The Developer contacts the ACHC to schedule an introductory meeting.

### **Step 2. First Meeting with the ACHC**

The purpose of this meeting is to introduce the project. The developer should be prepared to present an overview of the project concept. The ACHC will decide whether or not to support the conceptual design at this meeting. Two weeks prior to the scheduled meeting, the developer must submit 8 copies of all materials to the ACHC to allow time for review or one electronic copy sent to [achc@acton-ma.gov](mailto:achc@acton-ma.gov). The ACHC will encourage the developer to use the DHCD LIP process also known as a Friendly 40B.

Submittal requirements that are most helpful are:

- a. Location of project, name of applicant, and owner of record.
- b. Existing conditions plan showing topography and environmental features.
- c. Conceptual site plan showing building footprints, parking roads, drives, buffers and major environmental features.
- d. Density and scale of development.
- e. Floor Area Ratio as described in Comprehensive Permit Policy.
- f. Housing types.
- g. Proposed subsidy program.
- h. Number and percentage of affordable units.

- i. Zoning and Subdivision Rules and Regulations conformity analysis.
- j. Site control, purchase agreement

### **Step 3. Introductory Meeting with Department Heads and Water District**

- a) The Town Manager or his designee will schedule a brief introduction of the project by the developer at a department head meeting to be held within one month of submittal of the conceptual plan. The ACHC will distribute the initial submission materials to the various departments. The purpose is to "flag" technical issues and concerns generated by the proposed project. Participating departments include planning, conservation, selectmen, health, building, engineering, fire, police and tree warden. Written comments should be sent to the ACHC.
- b) The developer is responsible to meet with the Water District Manager. The Water District will comment to the ACHC.

### **Step 4. Development of Preliminary Plans**

Following comments by the ACHC and departments, the developer should prepare preliminary plans that incorporate these comments. These plans must be sufficiently detailed to permit meaningful review by the applicable board/department. A copy of the DHCD LIP application should be included with the preliminary plans.

Preliminary plans and the LIP application must include:

- a. General information, including name, locus map at a scale of 1" = 1200', number of units, owner, proposed lender, commitment or letter of interest from the lender, attorney, contact person, resumes of development team, and name of development.
- b. Project description, including unit mix with respect to ownership/rental, bedrooms, subsidized/market sales, subsidized/market rental, proposed density, total site area, total buildable site area, total building coverage of site, site coverage for walks, parking and roads, open space on site at completion and amenities.
- c. Architectural elevations and unit floor plans.
- d. Site plan delineating boundaries, lot lines, wetlands, watercourses, floodplains, groundwater protection zones, and proposed/existing topography, building footprints, parking, roads and drives.
- e. Sewer/septic location and preliminary design.
- f. Proposed drainage location and design.
- g. Identification of housing subsidy program to be utilized.

### **Step 5. Public Participation**

The developer is responsible for soliciting community concerns relevant to the proposed project. A public meeting will be held by the ACHC after preliminary plans are available. The developer is responsible for directly inviting abutters within 300 feet of the project location. The ACHC will assist the developer in coordinating the public meeting activity as necessary. The ACHC will submit concerns identified at this meeting to the appropriate boards or departments. Town board members will also be invited to this meeting via general email.

### **Step 6. ACHC Meeting with Developer**

The ACHC will meet with the developer at least one more time to discuss concerns that have arisen to discuss project trade-offs. Options will be clarified.

The Intent at this point in the process is to have substantial agreement on the design and plans. This agreement will form the basis of the application to the state subsidizing agency and the subsequent Comprehensive Permit submission to the Board of Appeals.

The ACHC will assist the developer through the review process to make it as expeditious as possible. Assuming that the developer can complete preliminary plans within two months, the Town pre-ZBA process should be completed within six months, depending on the complexity of the project. This process will greatly facilitate the formal Comprehensive Permit review.

Once the ACHC is comfortable with the preliminary design and LIP application, they will vote to sign the application.

**Step 7. Presentation to the Board of Selectmen**

The preliminary plans and the project description should be presented to the Board of Selectmen. At this point, if the Board is comfortable with the design they could be prepared to vote to sign the LIP application, assuming the use of the LIP program, and/or issue a formal letter of support for the project.

**Step 8. Formal application to state subsidizing agency**

To qualify for Chapter 40B, a development proposal must first receive a letter of project eligibility under a state or federal housing program, such as the Department of Housing and Community Development (LIP), MassHousing, MassDevelopment, or the U.S. Department of Housing and Urban Development. At least 25% of the units must be affordable to lower income households who earn no more than 80% of the area median income.

If the state project eligibility agency is DHCD LIP, then the Selectmen and the ACHC will sign the application before it is submitted to the agency. If the application is other than a DHCD LIP, the developer will apply directly to the agency without Town approval. The agency will then notify the Town of the application, seeking comments.

**Step 9. Formal Application to the Board of Appeals for a Comprehensive Permit**

Once the state project eligibility agency has submitted a letter of site eligibility to the developer, the formal application will be made to the Board of Appeals with a hearing scheduled within 30 days.

## Christine Joyce

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**From:** Kristen Domurad-Guichard  
**Sent:** Wednesday, September 05, 2012 4:31 PM  
**To:** Christine Joyce  
**Cc:** Roland Bartl; Janet Adachi; Nancy Tavernier  
**Subject:** Post Office Crossing Planning Department Preliminary Comments  
**Attachments:** Post Office Crossing - Planning Dept. Preliminary Comments.pdf

Hi Christine,

Please find the Planning Department's preliminary comments for the Post Office Crossing Comprehensive Permit attached to this email for inclusion in the Board of Selectmen meeting packet.

Thank you!

-Kristen

Kristen Domurad-Guichard  
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Planning Department

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**MEMORANDUM**

**To:** Planning Board **Date:** September 5, 2012  
**From:** Kristen Domurad-Guichard, Assistant Town Planner *KDG*  
**Subject:** Post Office Crossing Comprehensive Permit - Preliminary Comments

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Location:	6 Post Office Square
Owner:	Post Office Square LLC
Applicant:	Charing Cross Realty Trust
Engineer:	Eastern Land Survey Associates Inc.
Proposed Lots:	13
Proposed Units:	12 new dwelling units (3 Affordable Units)
Proposed Streets:	Post Office Crossing
Land area:	3.6 acres
Common Land:	none
Map/Parcel:	E-4 Parcel 59-1
Zoning:	Light Industrial 1 (LI-1)

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Please find the Planning Department's preliminary comments on the application for Post Office Crossing Comprehensive Permit attached.

Thank you.



## PROJECT EVALUATION SUMMARY – POST OFFICE CROSSING

EVALUATION CRITERIA <sup>1</sup>	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
<b>I. DEVELOPMENT PREFERENCES</b>						
Types of Housing					X	
<i>Includes a mix of unit styles and sizes</i>					X	
<i>Includes no more than 15% 3-BR units</i>					X	
Location	X	N (1)	X		X	
<i>Site is in or within ½ mile of a village center or Kelley's Corner</i>	X	N	X		X	
<i>Site is in another Preferred Location</i>	X	N	X		X	
Mixed-Use Development			X			
<i>Includes compatible nonresidential uses</i>			X			
<i>Some or all units are upper-story</i>			X			
Density and Scale	X		X		X	
<i>For site in a Village Center or Kelley's Corner, FAR does not exceed .80</i>	X	N/A	X		X	
<i>For site outside the Village Centers and Kelley's Corner, in other locations or for large-scale projects, FAR does not exceed .25</i>	X	Y	X		X	
<i>Height conforms to zoning</i>	X	Y(2)	X		X	
<i>Development comprised of approximately 12 units or less</i>	X	Y	X			

<sup>1</sup> Reviewers should record their evaluation by indicating "Y" (yes) or "N" (no) for each criterion that applies to the project, based on the category that most closely fits the type of project under review.

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA <sup>1</sup>	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
Building & Landscape Design Considerations	X		X		X	
Buildings & Site						
<i>Building designs similar to highly-rated residences in VPS</i>	X	Y(3)	X		X	
<i>Buildings oriented to the street or around courtyard</i>	X	Y	X		X	
<i>Side and/or rear parking</i>	X	Y(4)	X		X	
<i>Walkability: sidewalks, internal pathways</i>	X	Y	X		X	
<i>Connectivity: linked to surrounding neighborhoods or commercial areas</i>	X	N(5)	X		X	
<i>No adverse impact on historic/architectural significance (may be N/A)</i>	X	N(6)	X		X	
Open Space & Natural Resources						
<i>Open space at least 50% of site</i>					X	
<i>Not more than 50% of open space is wetlands</i>	X	N(7)			X	
<i>Open space is directly accessible to residents of the development</i>	X	N/A			X	
<i>Landscaping emphasizes low-water-use plantings</i>	X	N/A	X		X	
<i>Outdoor irrigation system is designed to conserve water</i>			X		X	
Site Plan Standards						
<i>Substantially conforms to ZBL Section 10.4, Site Plan Standards</i>	X	N/A (8)	X		X	
Public Benefits						
<i>Provides public benefits in addition to affordable housing</i>			X		X	
<i>Additional public benefits include:</i>						
<i>Pedestrian amenities</i>			X		X	
<i>Park and recreation amenities</i>					X	
<i>Contribution to a local capital improvements project appropriate to the scale of proposed development</i>					X	

Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA <sup>1</sup>	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N
<i>Contribution to Town's affordable housing fund</i>					X	
<b>II. AFFORDABILITY PREFERENCES</b>						
Percentage of Affordable Units						
<i>Development provides more than 25% minimum affordable units</i>					X	
<i>Additional affordable units are for LMI households</i>					X	
Income Targets						
<i>One or more units priced for households at/below 70% AMI</i>	X	Y	X		X	
<i>Includes any units priced for households at 50% AMI</i>			X		X	
<i>Includes any units priced for households at 31-50% AMI</i>					X	
<i>Includes any units priced for households at 81-110% AMI</i>	X	N/A	X		X	
Term of Affordability						
<i>Use restriction will be perpetual</i>	X	N/A	X		X	
<b>III. AFFIRMATIVE MARKETING &amp; LOCAL PREFERENCE</b>						
Local Preference Units						
<i>Offers 70% local preference units</i>	X	N/A	X		X	
Affirmative Marketing Experience						
<i>Team includes person/organization with prior affordable housing lottery experience</i>	X	Y	X		X	

# Town of Acton Comprehensive Permit Policy

EVALUATION CRITERIA <sup>1</sup>	Small-Scale Project		Mixed-Use Project		Large-Scale Project	
	Standard Applies	Y/N	Standard Applies	Y/N	Standard Applies	Y/N

IV. LARGE-SCALE PROJECT PUBLIC BENEFIT CRITERIA						
Project provides any of the following benefits:						
<i>Transportation management</i>					X	
<i>Traffic mitigation</i>					X	
<i>Significant contribution to local capital improvements fund</i>					X	
<i>Significant contribution to Town's affordable housing fund</i>					X	
<i>Provision of additional affordable units in off-site locations</i>					X	
<i>Donation of developable land to the Town for affordable housing, community facilities, other public purposes</i>					X	

## REVIEWER'S COMMENTS

- (1) The Planning Department Staff feels the location does not fit easily into the 40B policy guidelines for location. The proposed 12-unit development is located in an industrial park and will be isolated from other residential neighborhoods. There are some destinations within walking distance such as a daycare center, post office, the library and town office buildings. The location is also about .8 miles from the Donelan's Supermarket, but there are currently no safe pedestrian connections on Brook Street.
- (2) The plans do not show actual height dimensions for the dwelling units, but home designs look to be normal two-story residential dwellings- which would meet the requirements of the bylaw.
- (3) The Planning Staff recommends the applicant consider a more durable exterior finish rather than wood. The cost of long term maintenance is of concern especially for affordable unit owners.
- (4) All but lot 9 and lot 11 show side or rear parking. Lot 9 and lot 11 show parking in the front of the house.

## Town of Acton Comprehensive Permit Policy

- (5) See (1) above. Providing a safe pedestrian connection on Brook Street to the Donelan's shopping center would bring the project more in line with the Comprehensive Permit Policy. This sidewalk would be an expensive piece to construct, but there may be an opportunity to work with the developer to help fund this connection.
- (6) The Planning Department is aware of the proximity to the Issac Davis Trail, but sees no negative impact from this development.
- (7) The plan does not show any designated open space. "Parcel A" shows the location of the septic system for all 12 units. This lot could be used for a community recreation or child play space.
- (8) This Plan does not show all information required under 10.4 such as a landscaping plan. We assume this is due to the preliminary nature of the plan.